

117TH CONGRESS
1ST SESSION

H. R. 5367

To direct the Secretary of Energy to establish a program to award grants for qualifying advanced energy projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2021

Mr. LAMB introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Secretary of Energy to establish a program to award grants for qualifying advanced energy projects, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Advancing Energy
5 Manufacturing in Coal Communities Act”.

6 SEC. 2. ADVANCED ENERGY MANUFACTURING AND RECYCLING

7 CLING GRANT PROGRAM.

8 (a) DEFINITIONS.—In this section:

(1) ADVANCED ENERGY PROPERTY.—The term
“advanced energy property” means—

(A) property designed to be used to produce energy from the sun, water, wind, geo-thermal or hydrothermal (as those terms are defined in section 612 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17191)) resources, enhanced geothermal systems (as defined in that section), or other renewable resources;

(B) fuel cells, microturbines, or energy storage systems and components;

(C) electric grid modernization equipment or components;

18 (i) renewable; or

(ii) low-carbon and low-emission;

(F) property designed to produce energy conservation technologies (including for residential, commercial, and industrial applications);

23 (G)(i) light-, medium-, or heavy-duty elec-
24 tric or fuel cell vehicles, electric or fuel cell loco-

1 motives, electric or fuel cell maritime vessels, or
2 electric or fuel cell planes;

3 (ii) technologies, components, and mate-
4 rials of those vehicles, locomotives, maritime
5 vessels, or planes; and

6 (iii) charging or refueling infrastructure
7 associated with those vehicles, locomotives, mar-
8 itime vessels, or planes;

9 (H)(i) hybrid vehicles with a gross vehicle
10 weight rating of not less than 14,000 pounds;
11 and

12 (ii) technologies, components, and mate-
13 rials for those vehicles; and

14 (I) other advanced energy property de-
15 signed to reduce greenhouse gas emissions, as
16 may be determined by the Secretary.

17 (2) COVERED CENSUS TRACT.—The term “cov-
18 ered census tract” means a census tract—

19 (A) in which, after December 31, 1999, a
20 coal mine had closed;

21 (B) in which, after December 31, 2009, a
22 coal-fired electricity generating unit had been
23 retired; or

24 (C) that is immediately adjacent to a cen-
25 sus tract described in subparagraph (A) or (B).

(3) ELIGIBLE ENTITY.—The term “eligible entity” means a manufacturing firm—

(A) the gross annual sales of which are less than \$100,000,000;

(B) that has fewer than 500 employees at the plant site of the manufacturing firm; and

(C) the annual energy bills of which total more than \$100,000 but less than \$2,500,000.

13 (A) citizens of the United States; and

14 (B) Asian American, Native Hawaiian, Pa-
15 cific Islander, African American, Hispanic,
16 Puerto Rican, Native American, or Alaska Na-
17 tive.

(5) PROGRAM.—The term “Program” means the grant program established under subsection (b).

23 (A)(i) re-equips, expands, or establishes a
24 manufacturing or recycling facility for the pro-

1 duction or recycling, as applicable, of advanced
2 energy property; or

3 (ii) re-equips an industrial or manufac-
4 turing facility with equipment designed to re-
5 duce the greenhouse gas emissions of that facil-
6 ity substantially below the greenhouse gas emis-
7 sions under current best practices, as deter-
8 mined by the Secretary, through the installation
9 of—

10 (I) low- or zero-carbon process heat
11 systems;

12 (II) carbon capture, transport, utiliza-
13 tion, and storage systems;

14 (III) technology relating to energy ef-
15 ficiency and reduction in waste from indus-
16 trial processes; or

17 (IV) any other industrial technology
18 that significantly reduces greenhouse gas
19 emissions, as determined by the Secretary;

20 (B) has a reasonable expectation of com-
21 mercial viability, as determined by the Sec-
22 retary; and

23 (C) is located in a covered census tract.

24 (7) SECRETARY.—The term “Secretary” means
25 the Secretary of Energy.

1 (b) ESTABLISHMENT.—Not later than 180 days after
2 the date of enactment of this Act, the Secretary shall es-
3 tablish a program to award grants to eligible entities to
4 carry out qualifying advanced energy projects.

5 (c) APPLICATIONS.—

6 (1) IN GENERAL.—Each eligible entity seeking
7 a grant under the Program shall submit to the Sec-
8 retary an application at such time, in such manner,
9 and containing such information as the Secretary
10 may require, including a description of the proposed
11 qualifying advanced energy project to be carried out
12 using the grant.

13 (2) SELECTION CRITERIA.—

14 (A) PROJECTS.—In selecting eligible enti-
15 ties to receive grants under the Program, the
16 Secretary shall, with respect to the qualifying
17 advanced energy projects proposed by the eligi-
18 ble entities, give higher priority to projects
19 that—

20 (i) will provide higher net impact in
21 avoiding or reducing anthropogenic emis-
22 sions of greenhouse gases;

23 (ii) will result in a higher level of do-
24 mestic job creation (both direct and indi-
25 rect) during the lifetime of the project;

(iii) will result in a higher level of job creation in the vicinity of the project, particularly with respect to—

(I) low-income communities (as described in section 45D(e) of the Internal Revenue Code of 1986); and

(II) dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining;

(iv) have higher potential for technological innovation and commercial deployment;

(v) have a lower levelized cost of—

(I) generated or stored energy; or

(II) measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain); and

(vi) have a shorter project time.

(B) ELIGIBLE ENTITIES.—In selecting eligible entities to receive grants under the Program, the Secretary shall give priority to eligible entities that are minority-owned.

24 (d) PREVAILING WAGES.—To be eligible to receive a
25 grant under the Program, an eligible entity shall submit

1 to the Secretary a written assurance that all laborers and
2 mechanics employed by any contractor or subcontractor
3 in the performance of work funded, in whole or in part,
4 by the grant shall be paid wages at rates not less than
5 those prevailing on work of a similar character in the lo-
6 cality, as determined by the Secretary of Labor under sub-
7 chapter IV of chapter 31 of title 40, United States Code
8 (commonly referred to as the Davis-Bacon Act). With re-
9 spect to the labor standards in this subsection, the Sec-
10 retary of Labor shall have the authority and functions set
11 forth in Reorganization Plan Numbered 14 of 1950 (64
12 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40,
13 United States Code.

14 (e) PROJECT COMPLETION AND LOCATION; RETURN
15 OF UNOBLIGATED FUNDS.—

16 (1) COMPLETION; RETURN OF UNOBLIGATED
17 FUNDS.—An eligible entity that receives a grant
18 under the Program shall be required—

19 (A) to complete the qualifying advanced
20 energy project funded by the grant not later
21 than 3 years after the date of receipt of the
22 grant funds; and

23 (B) to return to the Secretary any grant
24 funds that remain unobligated at the end of
25 that 3-year period.

1 (2) LOCATION.—If the Secretary determines
2 that an eligible entity awarded a grant under the
3 Program has carried out the applicable qualifying
4 advanced energy project at a location that is materi-
5 ally different from the location specified in the appli-
6 cation for the grant, the eligible entity shall be re-
7 quired to return the grant funds to the Secretary.

8 (f) TECHNICAL ASSISTANCE.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this Act, the Sec-
11 retary shall provide technical assistance on a selec-
12 tive basis to eligible entities that are seeking a grant
13 under the Program to enhance the impact of the
14 qualifying advanced energy project to be carried out
15 using the grant with respect to the selection criteria
16 described in subsection (c)(2)(A).

17 (2) APPLICATIONS.—An eligible entity desiring
18 technical assistance under paragraph (1) shall sub-
19 mit to the Secretary an application at such time, in
20 such manner, and containing such information as
21 the Secretary may require.

22 (3) FACTORS FOR CONSIDERATION.—In select-
23 ing eligible entities for technical assistance under
24 paragraph (1), the Secretary shall give higher pri-
25 ority to eligible entities that propose a qualifying ad-

1 vanced energy project that has greater potential for
2 enhancement of the impact of the project with re-
3 spect to the selection criteria described in subsection
4 (c)(2)(A).

5 (g) PUBLICATION OF GRANTS.—The Secretary shall
6 make publicly available the identity of each eligible entity
7 awarded a grant under the Program and the amount of
8 the grant.

9 (h) REPORT.—Not later than 4 years after the date
10 of enactment this Act, the Secretary shall—

11 (1) review the grants awarded under the Pro-
12 gram; and

13 (2) submit to the Committee on Energy and
14 Natural Resources of the Senate and the Committee
15 on Energy and Commerce of the House of Rep-
16 resentatives a report describing those grants.

17 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Secretary to carry
19 out the Program \$750,000,000 for the period of fiscal
20 years 2022 through 2026.

